THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 18th day of July,2007

W.P.No.30554 of 1998

Between:-

B. Neelambaram … Petitioner

and

The Vice Chairman & Managing Director, Girijan Cooperative Corporation Ltd., Visakhapatnam … Respondent

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.30554 of 1998

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondent in directing to recover and keep the amount of Rs.29,495.57 in 'due by account' vide Proceedings Rc.No.1763/98 Admn.1, dated 5-9-1998, Bill No.3095, dated 10-10-1998 as highly arbitrary, illegal and contrary to the Rules and consequently to direct the respondent to release the amount of Rs.29,495.57 out of Rs.39,495.57 by keeping Rs.10,000/- in 'due by account' with interest.

It appears, petitioner is retired as a Senior Manager on 31-7-1998 from the respondent-Corporation. At the time of his retirement, an amount of Rs.39,495.57 was not released. According to the petitioner, he has no objection for deducting an amount of Rs.10,000/-, but the respondents ought not to have retained the remaining amount of Rs.29,495.57. Whereas, learned counsel for the respondent, on instructions, submits that during the pendency of the Writ Petition on 2-2-1999 an amount of Rs.9,325/-, on 8-9-2002 an amount of Rs.14,321.80 (totaling to Rs.23,646.80) was paid to the petitioner and remaining amount of Rs.5,848.77 could not be paid since C.T.A.No.4 of 1982 was pending with the learned Principal Senior Civil Judge, Visakhapatnam. Even for releasing this amount, the respondent has no objection, provided the petitioner places a copy of the Judgment rendered in C.T.A.No.4 of 1982 before him.

In view of the above, the petitioner is directed to approach the respondent along with a copy of the Judgment in C.T.A.No.4 of 1982 on the file of Principal Senior Civil Judge, Visakhapatnam and the

same shall be considered, after verifying the facts for release of the remaining amount. However, this order will not preclude the respondent from releasing the amount of Rs.10,000/-, which the petitioner accepted to be deducted since the enquiry was pending at that point of time, if the enquiry is concluded as of now.

With the above directions, the Writ Petition is disposed of. No order as to costs.

18-7-2007

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